



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/809,457

03/26/2004

Johann Arnold

Q79724

7652

23373 7590 12/18/2007
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

PATEL, CHANDRAHAS B

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

12/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/809,457

Applicant(s)

ARNOLD ET AL.

Examiner

Chandahas Patel

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Page 8-13, filed 10/5/2007, with respect to claims 1-17 have been fully considered and are persuasive. The rejection of 7/5/2007 has been withdrawn.

However, upon further consideration a new ground of rejection is made as discussed below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 18-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant did not describe in the original specification that only updated data of the real-time data packets is transmitted in the transmission cycles thus not enabling the features described in claims 18 and 19. Applicant did not describe in the original specification using transmission number to identify which ones of the partial sequence to transmit thus not enabling the features described in claims 20.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-17, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. (USPN 6,483,846) in view of Nakano (USPN 6,754,226).

Regarding claim 1, Huang teaches a method for transmitting real-time data packets in a cyclic communication system, wherein each of a plurality of transmission cycles has a first partial cycle for transmitting real-time communication and a second partial cycle for transmitting non-real-time communication [**Col. 2, lines 67 – Col. 1, lines 1-5**], the method comprising: planning the real-time communication [**Col. 5, lines 34-40**]; determining a cycle number of a particular transmission cycle [**Col. 5, lines 34-40**]; and processing a transmission sequence of real-time data packets within the first partial cycle of the particular transmission cycle [**Col. 2, lines 67 – Col. 1, lines 1-5**].

However, Huang does not teach the transmission sequence is composed of one or more partial sequences, the composition of which depends on the cycle number determined for the particular transmission cycle.

Nakano teaches the transmission sequence is composed of one or more partial sequences, the composition of which depends on the cycle number determined for the particular transmission cycle [**Col. 4, lines 60-67 – Col. 5, lines 1-6, number of channels determine partial sequences which is predetermined as described in Col. 5, lines 31-39**].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have composition depend on particular transmission cycle so that it could be determined which channels are usable to send data in each cycle [**Col. 5, lines 31-39**].

Regarding claim 2, Huang teaches forwarding instants corresponding to each of one or more real-time critical data packets are planned in advance [Col. 2, lines 55-59].

Regarding claims 3, 7, 11, Huang teaches the transmission sequence is a receive sequence or a send sequence of a user of the communication system [Col. 5, lines 46-48].

Regarding claims 4, 8, 12, Huang teaches a length of the first partial cycle is selected as a function of the transmission sequence [Col. 5, lines 51-62].

Regarding claims 5, 9, 13, Nakano teaches the transmission sequence is generated from a dynamic transmission list comprising one or more partial sequences and one or more conditional control commands, wherein a corresponding condition for each of the conditional control commands is based on the cycle number of the particular transmission cycle [Col. 4, lines 53-60].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a condition for each conditional control command based on particular cycle since number of channels available during each communication varies [Col. 5, lines 31-40].

Regarding claim 6, Huang teaches a user of a cyclic communication system that is operable to transmit one or more transmission cycles each of which has a first partial cycle for real-time communication and a second partial cycle for non-real-time communication, wherein the real-time communication is planned in advance [Col. 2, lines 67 – Col. 1, lines 1-5], the user comprising: means for determining a cycle number of a particular one of the transmission cycles [Col. 5, lines 34-40]; and means for processing a transmission sequence within a first partial cycle of the particular transmission cycle [Col. 2, lines 67 – Col. 1, lines 1-5].

However, Huang does not teach the transmission sequence is composed of one or more partial sequences, the composition of which depends on the cycle number determined for the particular transmission cycle.

Nakano teaches the transmission sequence is composed of one or more partial sequences, the composition of which depends on the cycle number determined for the particular transmission cycle [Col. 4, lines 60-67 – Col. 5, lines 1-6, **number of channels determine partial sequences which is predetermined as described in Col. 5, lines 31-39**].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have composition depend on particular transmission cycle so that it could be determined which channels are usable to send data in each cycle [Col. 5, lines 31-39].

Regarding claim 10, Huang teaches a cyclic communication system with at least a first and a second user, wherein each of one or more transmission cycles has a first partial cycle for real-time communication and a second partial cycle for non-real-time communication, wherein the real-time communication is planned in advance [Col. 2, lines 67 – Col. 1, lines 1-5], and the first and the second users comprise: means for determining a cycle number of a particular one of the transmission cycles [Col. 5, lines 34-40]; and means for processing a transmission sequence within a first partial cycle of the particular transmission cycle [Col. 2, lines 67 – Col. 1, lines 1-5].

However, Huang does not teach the transmission sequence is composed of one or more partial sequences, the composition of which depends on the cycle number determined for the particular transmission cycle.

Nakano teaches the transmission sequence is composed of one or more partial sequences, the composition of which depends on the cycle number determined for the particular transmission cycle **[Col. 4, lines 60-67 – Col. 5, lines 1-6, number of channels determine partial sequences which is predetermined as described in Col. 5, lines 31-39]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have composition depend on particular transmission cycle so that it could be determined which channels are usable to send data in each cycle **[Col. 5, lines 31-39]**.

Regarding claim 14, Huang teaches a communication system operable to isochronously transmit data between respective users during transmission cycles **[Fig. 1]**, the system comprising: a network operable to connect the users **[Fig. 1, 100]**; an application program corresponding to a first user **[Fig. 1, 140]**; a memory portion corresponding to the first user and operable to store user data to facilitate control of the first user, and output data to be transmitted over the network to a second user **[Fig. 2A, 162]**; a cycle counter corresponding to the first user and operable to count the transmission cycles corresponding to a communication between the first user and the second user **[Col. 5, lines 34-40]**; and a processing portion corresponding to the first user and operable to determine a number of a subsequent transmission cycle **[Col. 5, lines 34-40]**, wherein the output data is transmitted from the first user to the second user during the subsequent transmission cycle which is divided into a real-time partial cycle and a non-real-time partial cycle **[Col. 2, lines 67 – Col. 1, lines 1-5]**

However, Huang does not teach output data depends on the cycle number.

Nakano teaches data output depends on the cycle number determined for the particular transmission cycle **[Col. 4, lines 60-67 – Col. 5, lines 1-6, number of channels determine partial sequences which is predetermined as described in Col. 5, lines 31-39].**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have data output depend on particular transmission cycle so that it could be determined which channels are usable to send data in each cycle **[Col. 5, lines 31-39].**

Regarding claim 15, Huang teaches the real-time partial cycle comprises one or more micro cycles **[Col. 5, lines 34-40].**

However, Huang does not teach a transmission sequence of the one or more micro cycles is dynamically programmed based on the cycle number determined by the processing portion.

Nakano teaches a transmission sequence of the one or more micro cycles is dynamically programmed based on the cycle number determined by the processing portion **[Col. 5, lines 31-39].**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to dynamically program micro cycles since number of channels available in each channel varies **[Col. 5, lines 31-39].**

Regarding claim 16, Huang teaches the transmission sequence is predefined prior to commencement of the communication between the first and second users **[Col. 2, lines 55-59].**

Regarding claim 17, Huang teaches the network comprises a network based on at least one of Field Bus, Profibus, Ethernet, Industrial Ethernet, FireWire, PC-internal bus systems (PCIs) and Isochronous Real-time Ethernet **[Fig. 1, 100].**

Regarding claim 20, Nakano teaches utilizing the transmission number to identify which ones of the partial sequences are to be transmitted in the particular cycle [Col. 5, lines 31-39].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use transmission number to identify which ones of the partial sequences to transmit cycles since number of channels available in each channel varies [Col. 5, lines 31-39].

6. Claims 18, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. (USPN 6,483,846) in view of Nakano (USPN 6,754,226) as applied to claim 1 above, and further in view of Steger et al. (USPN 6,505,247).

Regarding claim 18, the references teach a method as discussed in rejection of claim 1.

However, the references do not teach only updated data of real-time data packets is transmitted.

Steger teaches only updated data of real-time data packets is transmitted [Abstract].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to send only updated data packets to increase network efficiency [Abstract].

Regarding claim 19, Steger teaches the real-time data packets comprise a peripheral image and wherein unmodified portions of the peripheral image are not transmitted in the real-time communication cycle [Abstract, Col. 5, lines 11-21].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to only send modified portions of the image so that network efficiency can be increased by sending only modified data [Abstract].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chandrahas Patel whose telephone number is 571-270-1211. The examiner can normally be reached on Monday through Thursday 7:30 to 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CBP


RICKY Q. NGO
SUPERVISORY PATENT EXAMINER